

UNITED STATES DISTRICT COURT DISTRICT OF CONNECTICUT

INFORMATION AND INSTRUCTIONS FOR FILING A CIVIL ACTION IN DISTRICT COURT by persons who are not incarcerated

The district court has specific forms available for filing a civil rights action pursuant to 42 U.S.C. § 1983 or pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971), and 28 U.S.C. § 1331, an employment discrimination action, and an action appealing a final determination of the Social Security Commission. In addition, there is a general form to assist you in filing any other federal civil action. You should obtain the appropriate form from the Clerk's Office.

You must pay the full filing fee of \$150.00 (check or money order payable to U.S. District Court Clerk) or submit a Motion for Leave to Proceed In Forma Pauperis Pursuant to 28 U.S.C. § 1915 and a Financial Affidavit. Further instructions for completing these forms are provided below.

The Filing Fee and 28 U.S.C. § 1915

These instructions are for non-prisoners seeking leave to proceed in forma pauperis under 28 U.S.C. § 1915. A prisoner is any person incarcerated or detained in any facility. If you are a prisoner, you must obtain a copy of the instructions specifically designed for civil actions filed by prisoners.

1. The complaint must be accompanied by the full \$150.00 filing fee. If you want to commence an action without prepayment of fees or security therefor, you must file a Motion for Leave to Proceed In Forma Pauperis Pursuant to 28 U.S.C. § 1915 and a Financial Affidavit. The court cannot consider the merits of the claims asserted in any complaint filed without either the \$150.00 filing fee or a properly completed motion and affidavit.

2. The motion and affidavit for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915 must be typewritten or legibly handwritten. All questions must be answered clearly and concisely in the appropriate space on the form. You must sign the motion and affidavit. In addition, the affidavit must be notarized. You should exercise care to assure that all answers are true, correct and complete.

3. If your motion is denied, you will be notified of the court's decision. If you wish to proceed with your case, you must pay the filing fee.

The Complaint

1. In a civil rights action, the court can grant relief only for deprivations of a federal constitutional or statutory right by a person acting under color of state or federal law. Your complaint can be brought in this court only if one or more of the named defendants is located within this judicial district.

2. The complaint must be typewritten or legibly handwritten. All questions must be answered clearly and concisely in the appropriate space on the form. If necessary, the answer to a particular question may be continued on an additional blank page. If additional pages are used, you must clearly indicate which question is being continued. You must include all grounds for relief and all facts supporting such grounds for relief in the complaint.

3. All defendants must be listed in the caption of the complaint. You must indicate whether each defendant is being sued in his individual capacity, official capacity, or both. You must also provide a current address for each defendant. If there is more than one defendant, you should indicate clearly in the body of the complaint which actions are attributable to each defendant.

4. In addition to these general directions, you should follow all specific direction included on the complaint form. You must sign the complaint and the declaration under penalty of perjury. You are cautioned that any deliberately false statement of a material fact may serve as a basis for prosecution and conviction for perjury. You should exercise care to assure that all answers are true, correct and complete.

5. You must provide the court with an original and a copy of the complaint for each named defendant. For example, if you name two defendants in their individual capacities, you must file an original and two copies of the complaint. If you name a defendant in his or her individual and official capacities, however, you must submit two copies of the complaint for that defendant. You should keep an additional copy of the complaint for your own records. All copies of the complaint must be identical to the original.

6. In addition, if you are seeking leave to proceed in forma pauperis, you must also provide the court with a Waiver of Service of Summons form, Notice of Lawsuit and Waiver of Service of Summons form and Marshal form 285 for each defendant in each capacity in which he or she is being sued. The U.S. Marshal will use these forms to serve your complaint on the defendants if your motion is granted.

7. When your complaint is completed, it should be mailed or delivered with the necessary copies and filing fee or motion for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915 and other forms to the Clerk's Office in any seat of court.

The addresses of the three seats of court are: Office of the Clerk, United States District Court, 915 Lafayette Boulevard, Bridgeport, CT 06604; Office of the Clerk, United States District Court, 450 Main Street, Hartford, CT 06103; Office of the Clerk, United States District Court, 141 Church Street, New Haven, CT 06510.

7. If you have paid the filing fee, you are responsible for having the complaint served on the defendants. The rules for service are contained in Rule 4 of the Federal Rules of Civil Procedure.

8. You must file an original of all motions, pleadings, correspondence or other documentation in the seat of court in which the District Judge who has been assigned to your case sits. You also must furnish the opposing party or his or her attorney with a copy of all documents submitted to the court. Each original document (except the original complaint) must include a certificate stating the date a copy of the document was mailed to the opposing party or his or her attorney and the address to which it was mailed. Any document received which fails to include a certificate of service may be disregarded by the court or returned. An example of a certificate of service is:

I hereby certify that a copy of the foregoing pleading/document was mailed to _____ (defendant(s) or counsel for defendant(s))
at _____ (address) on _____, 19__.

Original Signature

9. The United States District Judges, the United States Magistrate Judges, the clerk of the court, deputy clerks and staff attorneys are officers of the court and are prohibited from giving legal advice. Legal questions should be directed to an attorney.

10. In conducting your case, the court assumes that you are familiar with the Federal Rules of Civil Procedure and the Local Rules of Civil Procedure for the District of Connecticut. You can find copies of these rules in the law libraries at the larger state courthouses and at the law schools.